

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 95-cr-09-01-SM

Joseph Hearn

**O R D E R**

Defendant moves the court to correct allegedly erroneous personal history information in his presentence report on grounds that his custody classification, housing and available programming while incarcerated are all adversely affected. The court asked the probation office and United States Attorney to comment.

The probation office has thoroughly reviewed the matter (see attached report) and correctly notes that the proper way for defendant to proceed is through the Bureau of Prisons' administrative process. The probation office's inquiry suggests that defendant may have a meritorious point - but, then, the facts have not been fully developed and, as the prosecution

notes, defendant sometimes was associated with an alias, so records searches may have been off the mark.

In any event, the motion is denied and defendant is referred to the available Bureau of Prisons' administrative process to obtain the relief he seeks.

**SO ORDERED.**

  
Steven J. McAuliffe  
Chief Judge

February 3, 2006

Attachment: Memo from U.S. Probation

cc: Joseph Hearn, pro se  
Clyde R. W. Garrigan, Esq.  
U.S. Probation